

Notice of Allowability

Application No.

10/733,830

Examiner

Michael Misiaszek

Applicant(s)

HEINS, DOUGLAS B.

Art Unit

3625

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE 7/15/2009, Examiner's Amendment.
2. ☒ The allowed claim(s) is/are 87-94,96,97,99-105 and 107.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 8/28/2009.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 8/28/2009.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/Jeffrey A. Smith/
Supervisory Patent Examiner, Art Unit 3625

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/15/2009 has been entered.

Drawings

The drawings are objected to because several of the figures contain hand-drawn and handwritten elements which may affected clarity when reproduced. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Yenyun Fu on 8/25/2009.

The application has been amended as follows:

In the Title

The title has been amended as follows:

~~Digital photography processing and fulfillment via a communication network~~ Method for processing a digital image to satisfy a fulfillment request

In the Claims

87. (Currently Amended) A method for processing a digital image to satisfy a fulfillment request, comprising:

receiving the fulfillment request to perform image processing on the digital image;
wherein, the request is initiated by a user using a user device ~~mobile radiotelephone~~ and the image processing results in generation of a modified digital image;

identifying the user that initiated the request via the user device mobile radiotelephone;

generating a provisioner that determines, in an ad-hoc fashion, a set of networked computing devices that collaborate to satisfy the fulfillment request to generate the modified digital image;

~~wherein, the provisioner further comprises a user customized setting specified by the identified user having a selection of multiple destinations to which the digital image is sent to satisfy the fulfillment request;~~

in response to identifying the user, automatically performing an instantiation process, by each of the set of networked computing devices, to perform the image processing ~~and to send the modified digital image to each of the multiple destinations;~~
[[.]]

wherein each of the set of networked computing devices perform different functions in the image processing of the digital image, each mutually independent from each other.

88. (Currently Amended) The method of claim [[87]] 99, wherein, the instantiation process is automatically performed in response to identifying the user.

89. (Currently Amended) The method of claim 87, further comprising, acquiring the digital image from the user device mobile radiotelephone.

90. (Currently Amended) The method of claim 87,
wherein the multiple destinations includes an online web-services provider; [[.]]
wherein, the online web-services provider includes an online album.
91. (Currently Amended) The method of claim [[90]] 8Z, wherein the set of networked computing devices communicate via a secure connection utilizing encryption for at least a portion of the performing the instantiation process.
92. (Currently Amended) The method of claim [[90]] 8Z, wherein the set of networked computing devices serve multiple purposes in performing one or more tasks of the performing the instantiation process.
93. (Currently Amended) The method of claim [[90]] 8Z, wherein, the provisioner further comprises a user-customized setting specified by the identified user having a selection of multiple destinations to which the digital image is sent to satisfy the fulfillment request.
~~each of the set of networked computing devices perform different functions in the image processing of the digital image, each mutually independent from each other.~~
94. (Currently Amended) The method of claim [[90]] 8Z, wherein one system component of the set of networked computing devices is a server.

95. (Cancelled)

96. (Currently Amended) The method of claim [[90]] 87, wherein, the user device is a mobile radiotelephone, ~~online web services provider includes an online album.~~

97. (Currently Amended) A method for processing a digital image to satisfy a fulfillment request, comprising:

- receiving the fulfillment request to perform image processing on the digital image;
- wherein, the request is initiated by a user using a user device and the image processing results in generation of a modified digital image;
- identifying the user that initiated the request via the user device;
- generating a provisioner that determines, in an ad-hoc fashion, a set of networked computing devices that collaborate to satisfy the fulfillment request to generate the modified digital image;
- wherein, the provisioner further comprises a user-customized setting specified by the user having a selection of multiple destinations to which the digital image is sent to satisfy the fulfillment request;
- initiating a process whereby each of the set of computing devices participate in performing the image processing and sending the modified digital image to each of the multiple destinations[.];

wherein, each of the set of networked computing devices perform different functions in the image processing of the digital image, each mutually independent from each other.

98. (Cancelled)

99. (Currently Amended) A method for processing a digital image to satisfy a fulfillment request, comprising:

receiving the fulfillment request to perform image processing on the digital image;

wherein, the fulfillment request is initiated by a user using a user device;

identifying the user that initiated the request via the user device;

generating a provisioner that determines, in an ad-hoc fashion, a set of networked computing devices that collaborate to perform the image processing;

performing a process, by each of the set of networked computing devices, to perform the image processing;

wherein, each of the set of networked computing devices perform different functions in the image processing of the digital image.

105. (Currently Amended) A method for processing a digital image to satisfy a fulfillment request, comprising:

receiving the fulfillment request to perform image processing on the digital image;

wherein, the fulfillment request is initiated by a user using a user device and the image processing results in generation of a modified digital image;

identifying the user that initiated the request via the user device;

generating a provisioner that determines, in an ad-hoc fashion, a set of networked computing devices that collaborate to satisfy the fulfillment request to generate the modified digital image;

wherein, the provisioner further comprises a user-customized setting specified by the user having a selection of multiple destinations to which the digital image is sent to satisfy the fulfillment request;

in response to identifying the user, automatically initiating a process whereby each of the set of networked computing devices participate in performing the image processing by performing different functions and sending the digital image to each of the multiple destinations.

106. (Cancelled)

107. (Currently Amended) A method for processing a digital image to satisfy a fulfillment request, comprising:

receiving the fulfillment request to perform image processing on the digital image;

wherein, the request is initiated by a user using a user device and the image processing results in generation of a modified digital image;

identifying the user that initiated the request via the user device;

generating a provisioner that determines, in an ad-hoc fashion, a set of networked computing devices that collaborate to satisfy the fulfillment request to generate the modified digital image;

automatically initiating a process whereby each of the set of computing devices participate in performing the image processing to generate the modified digital image;

wherein, each of the set of networked computing devices perform different functions in the image processing of the digital image.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The present invention is directed towards a method for processing a digital image to satisfy a fulfillment request. Independent claims 187, 97, 99, 105, and 107 each teach the novel features of: identifying the user that initiated the request via the user device, subsequently generating a provisioner that determines, in an ad-hoc fashion, a set of networked computing devices that collaborate to satisfy the fulfillment request to generate the modified digital image, and, in response to identifying the user, automatically performing an instantiation process, by each of the set of networked computing devices, to perform the image processing, wherein each of the set of networked computing devices perform different functions in the image processing of the digital image, each mutually independent from each other. The Examiner notes that in the present specification, a provisioner is defined as:

a proxy for the user and captures three user perspectives with separate data structures, namely: a user profile, a user personalization, and a user customization. This data defines the user sufficiently to provide the desired digital photography services of the present invention, and may be stored and arranged in a variety of ways. With further reference to the provisioner component, the user profile data represents relatively static information that does not generally affect runtime aspects of the present invention, but does provide information necessary to complete processing and fulfillment orders, some of which include user address, user billing, and user contact. The user personalization data represents specific behavior options chosen a priori by the user, and/or defined by user behavior. These options could include defining which store from a plurality of stores is used to render final hardcopy fulfillment, whether to automatically rotate images based upon statistical methods of determination, whether to skip rendering of images that are either over-developed or under-developed, etc. The user customization data represents the runtime instantiation of network pathways and workflow structures resulting from

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the specification for a particular processing and fulfillment order objective, for example the user requesting to have hardcopy print as well as VCD media, or a web online album upload and digital picture CD archive.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The following reference has been identified as the most relevant prior art to the claimed invention(s). The prior art generally relates to group-buying environments. Bodnar et al. (US 2004/0218045) discloses a system and methodology that allows a new user of a user device, such as a wireless digital camera to immediately begin using the device without having to first activate a user account. Bodnar et al. includes automatically provisioning a user account for purposes of uploading digital images to a service provider. Bodnar et al. does not anticipate nor render obvious identifying the user that initiated the request via the user device, subsequently generating a provisioner that determines, in an ad-hoc fashion, a set of networked computing devices that collaborate to satisfy the fulfillment request to generate the modified digital image, and, in response to identifying the user, automatically performing an instantiation process, by each of the set of networked computing devices, to perform the image processing, wherein each of the set of networked computing devices perform different functions in the image processing of the digital image, each mutually independent from each other. Bodnar notably does not anticipate nor render obvious the specific provisioner defined by the present specification and utilized in the pending claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wang, Dongyan (1998). Two new image processing algorithms and a framework for Internet-based image processing. Ph.D. dissertation, The University of Wisconsin - Milwaukee, United States – Wisconsin

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571)272-6961. The examiner can normally be reached on 9:00 AM - 5:30 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey A. Smith/
Supervisory Patent Examiner, Art
Unit 3625

Michael A. Misiaszek
Patent Examiner
8/28/2009